

## **EXHIBIT C**



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08/24/2006 05:31 PM

To Tina Tabacchi <tmtabacchi@jonesday.com> (Receipt  
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cc "alisonsimon@breenlaw.com"  
<alisonsimon@breenlaw.com> (Receipt Notification  
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Subject U.S. ex rel. Ven-A-Care v. Abbott

Jim:

I appreciate your August 16, 2006 response on our continuing discussions relating to an amended MDL protective order as it applies to this case. I think we are getting much closer to reaching agreement on many provisions. I have a few follow-up questions to clarify before I can respond more completely to your proposal. For ease, my questions correspond to the paragraph numbers in bold in your Aug. 16 letter.

Paragraph 7: Can we include the language of the specific legend to be stamped on all documents, as offered by Tina in an earlier email of July 24, 2006?

Paragraph 9: Para. 17 of the MDL does not address our point in para. 9 as you have indicated. Did you mean to refer to Para. 14 of the MDL? If so, can you please take a look at our proposed language in para. 9 once again. I believe we had already agreed to that para. (covering deposition designations) and did not think we were going to revisit it.

Paragraph 14: Will you agree to adopt the entirety of our proposed language and not just the time frame for motions practice? I thought we had already reached agreement on this one as well.

Paragraphs 15 and 16: You have made clear Abbott's position for requesting the additional language regarding notice. However, why do you propose the changes to the earlier parts of the paragraphs? It seems only a matter of semantics. If true, I reiterate that the language of this paragraph is standard for our office, and we would not likely get authority to change it due to the precedent it would set.

Can you please send your "final" draft without the redline for the next round. It will be helpful to review what you ultimately propose as the "final" version.

Thank you in advance. --Renée

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